

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Allen T. Smith, Debtor. U.S. Bank National Association, as Trustee, for Conseco Finance Home Equity Loan Trust 2002-A, Movant, v. Allen T. Smith, Debtor/Respondent, Kenneth E. West, Esquire, Trustee/Respondent.	Bankruptcy No. 22-12800-elf Chapter 13 Related to Doc. No. 16
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**U.S. BANK NATIONAL ASSOCIATION’S OBJECTION TO CONFIRMATION OF
DEBTORS’ CHAPTER 13 PLAN**

Secured creditor, U.S. Bank National Association, as Trustee, for Conseco Finance Home Equity Loan Trust 2002-A, (“U.S. Bank”), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtor, Allen T. Smith, and in support thereof alleges as follows:

1. Debtor, Allen T. Smith (“Debtor”), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on October 19, 2022.
2. U.S. Bank holds a security interest in the Debtor’s real property located 919 N Walnut, Coatesville, PA 19320 (the “Property”), by virtue of a Mortgage recorded with the

Chester County Recorder of Deeds on November 8, 2001 at Instrument No. 10013404, which has ultimately been assigned to U.S. Bank.

3. Said Mortgage secures a Note in the amount of \$106,400.00.
4. Upon review of internal records, Secured Creditor is in the process of filing a Proof of Claim with an anticipated pre-petition arrearage of approximately \$173,979.04.
5. On November 1, 2022, Debtor filed a Chapter 13 Plan (Doc.: 16).
6. The Chapter 13 Plan intends to seeks loss mitigation with Secured Creditor. However, as of the filing of this Objection, no loan modification has been offered nor approved by the Bankruptcy Court. The Plan has no alternative treatment for Secured Creditor's anticipated arrears of \$173,979.04, in the event loss mitigation is not successful.
7. Secured Creditor objects to any Plan which proposes to pay it anything less than \$173,979.04 as the pre-petition arrearage over the life of the Plan.
8. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: December 12, 2022

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

Authorized Agent for Secured Creditor
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Fairfield, NJ 07004
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 12, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Allen T. Smith
919 N. Walnut Street
Coatesville, PA 19320

John A. Gagliardi
Wetzel Gagliardi Fetter & Lavin LLC
122 S. Church St.
West Chester, PA 19382

Kenneth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

United States Trustee

Office of United States Trustee
Robert N.C. Nix Federal Building
900 Market Street
Suite 320
Philadelphia, PA 19107

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

Authorized Agent for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
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